

1 IN THE UNITED STATES DISTRICT COURT FOR  
2 THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION

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5 CRYSTAL SEAMAN, )  
6 Plaintiff, )  
7 VS ) CASE NO:  
8 FOOD GIANT SUPERMARKETS, INC., ) 2:05-CV-414-T  
9 Defendant. )  
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13 The telephone deposition of STEVEN  
14 BERANEK taken pursuant to the Alabama  
15 Rules of Civil Procedure before Anna S.  
16 Padgett, Court Reporter and Notary Public,  
17 State at Large, at the office of Charles  
18 W. Blakeney, 210 North Commerce Street,  
19 Geneva, Alabama on the 29th day of  
20 December, 2005, commencing at  
21 approximately 2:00 p.m.  
22  
23

1 APPEARANCES  
2  
3

4 FOR THE PLAINTIFF:

5 MR. CHARLES W. BLAKENEY, Attorney at Law,  
6 201 North Commerce Street, Post Office Box  
7 100, Geneva, Alabama 36340.

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9 MR. DAVID J. HARRISON, Attorney at Law,  
10 700 South Academy Street, Post Office Box  
11 994, Geneva, Alabama 36340.

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15 FOR THE DEFENDANT:

16 MR. RICHARD B. JOHNSON, Attorney at Law,  
17 Lyons, Pipes & Cook, P.C., Post Office Box  
18 2727, Mobile, Alabama 36652.

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1 first X-ray was taken at the direction of Dr.  
2 O.D. Mitchum; is that correct?

3 A. Yes.

4 Q. And, then, the second one was taken at  
5 your direction?

6 A. That's correct.

7 Q. Okay. And were those treatments  
8 appropriate for the injury to the arm of Mrs.  
9 Seaman?

10 A. Yes.

11 Q. And were the cost of those treatments by  
12 the hospital and by yourself appropriate,  
13 reasonable and necessary?

14 A. Yes.

15 Q. Okay. And they were necessary for the  
16 treatment of her injury?

17 A. Correct.

18 Q. Okay. And you actually saw her first on  
19 May 12th of 2003?

20 A. That's correct.

21 Q. And she had a splint; is that correct?

22 A. Yes.

23 Q. And was that splint reasonable and

1 necessary as far as the treatment of her injury?

2 A. Yes.

3 Q. And as far as the cost of that splint,  
4 was that necessarily incurred by Mrs. Seaman?

5 A. Yes.

6 Q. Okay. What was her initial diagnosis?

7 A. That she had a right wrist sprain.

8 Q. Okay. And what types of treatment did  
9 you recommend?

10 A. I recommended that she wear a splint,  
11 remove it four times a day to do range of motion  
12 exercises and that she be on restriction of  
13 activities for approximately three weeks with a  
14 follow-up visit following that time.

15 Q. Okay. And do you know if she followed  
16 through with your recommendations?

17 A. I believe she did.

18 Q. Okay. And when you did follow-up visits  
19 with her, she reported that, in fact, she was  
20 complying with your directions?

21 A. Yes.

22 Q. Okay. And based on the information that  
23 you have in your medical records and on the

1           Q. Did you prescribe all the medications  
2           that are listed there?

3           A. Yes.

4           Q. And were these medications necessary for  
5           the treatment of Mrs. Seaman's condition?

6           A. All except for the -- once I gave her  
7           some Augmentin for an upper respiratory  
8           infection, but all the rest were necessary for  
9           the treatment of that condition.

10          Q. Okay. And would you agree these  
11        medications would be required to be purchased at  
12        a pharmacy at whatever the cost that the  
13        individual could purchase them for?

14          A. Yes.

15          Q. Okay. At some point, did you recommend  
16        that Mrs. Seaman have surgery to repair the  
17        nerve in her arm?

18          A. Yes.

19          Q. Okay. And I'm referencing your notes  
20        from October 27th of 2003.

21          A. Yes, I see those notes.

22          Q. Okay. And did you, in fact, perform the  
23        surgery on Mrs. Seaman's arm?